CWP No. 1349 of 2007

29.8.2007 Present: Mr. Bimal Gupta, counsel for the petitioner.

Mr. M.S.Chandel, Advocate General, with
Mr. R.M.Bisht, DAG, for the State.

CMP No. 2191 of 2007
Allowed and stands disposed of.

CWP No. 1349 of 2007

After arguing for a while and upon being told that under para 17 of the H.P. Specified Articles (Regulation of Distribution) order 2003, there is a provision of filing the appeal, Mr. Bimal Gupta, learned counsel for the petitioner seeks leave of this court to withdraw this petition with liberty to file appeal under the aforesaid para 17 before the Director since the impugned order has been passed by the Controller. Under the aforesaid para 17 the limitation for filing the appeal is 30 days which actually has since now expired.

While permitting the petitioner to withdraw the petition, we grant the aforesaid liberty to the petitioner on the condition that the appeal is filed on or before 15th September, 2007. If the appeal is filed within the aforesaid period accompanied by an application for condonation of delay, the Appellate Authority shall pass an order condoning the delay for filing the appeal because we are convinced that the pendency of this petition in this Court is a good ground warranting the condonation of delay.

The Appellate Authority shall dispose of the appeal before 31st October, 2007. To ensure that this is done, on the date

the appeal is presented before him, he shall fix the date of hearing of the appeal.

Since the petitioner is running the fair price shop in question for the last about 3 years, it is directed that till the disposal of the appeal the petitioner shall be permitted to continue running the shop during the pendency of the appeal. Its continuance or otherwise thereafter shall depend upon the result of the appeal. If the appeal is not filed by or before 15.9.2007, the Appellate Authority shall not entertain the appeal because after 15.9.2007 it shall be deemed to have become time barred. In that event, the petitioner shall not be entitled to run the shop after 15.9.2007. The petition is disposed of in the aforesaid terms with no order as to costs.

CMP No. 2190 of 2007

In view of the disposal of the main petition, this application has become infructuous. The application stands disposed of.

Copy dasti.

(Deepak Gupta), J.

August 29, 2007(K) (V. K. Ahuja), J.